

1 Steven J. Bank
2 5217 Doe Ave
3 Las Vegas, 89146-3030
4 Tel. 702-666-4789
5 Fax. 702-383-9967
6 Email: vegaslawcoach@outlook.com
7 IN PRO SE

ORIGINAL

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
JUL 10 2015	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

9 Steven J. Bank

2:15-cv-01313-RFB-NJK

10 Plaintiff,

11 vs.

12 QUALITY LOAN SERVICE CORPORATION, and DOES

COMPLAINT

13 I through L,

14 Defendants.

A. JURISDICTION.

Jurisdiction is herein invoked pursuant to diversity of citizenship, 28 U.S.C. § 1332. Defendant Quality Loan Service Corporation is a business entity headquartered in San Diego, CA, San Diego Co., USA.

B. COMPLAINT

First Cause of Action

(Nuisance and Preliminary Injunction as against Defendants QUALITY)

1. Plaintiff in PRO SE, Steven J. Bank (BANK) is and at all times mentioned was, an individual, over the age of majority, residing in the City of Las Vegas, County of Clark, State of Nevada, and the **owner or occupant of certain real property** commonly known as 5217 Doe Ave, Las Vegas, NV, Clark County, Nevada, which is legally described as follows:

1 CHARLESTON HGTS SUB TRACT #35A

2 PLAT BOOK 7 PAGE 46

3 LOT 6 BLOCK 1

4

5

6 2. This court is the proper court for trial in this action in that the actions
7 and omissions of Defendants **Quality Loan Service Corporation** (QUALITY) as
8 alleged herein were made within this Court's jurisdictional area.

9

10 3. Plaintiff is unaware of the true names or capacities, whether they are
11 individuals or business entities, of Defendants DOES 1 through 50, and
12 therefore sues them by such fictitious names and will seek leave of this
13 Court to insert true names and capacities once they have been ascertained.

14

15 4. At all times mentioned herein, Defendants, and each of them, inclusive of
16 DOES 1 through 50, were authorized and empowered by each other to act, as
17 agents of each other, and all things herein alleged to have been done by
18 them were done in the capacities of such agency. Upon information and
19 belief, all Defendants are responsible in some manner for the events
20 described herein and are liable to Plaintiff for the damages they have in-
21 curred.

22

23 Second Cause of Action

24 (Fraud)

25

26 5. Plaintiff re-alleges and incorporates by reference Paragraphs 1-4 above as though
27 fully set forth herein.

6. Defendant QUALITY is and at all times herein mentioned was a Corporation organized and existing under the laws of the State of California with principal offices located at 411 Ivy St., in the City of San Diego, CA, County of San Diego, CA.

7. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES I through X, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained.

8. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, each of the defendants sued herein was the agent and employee of each of the remaining defendants and was at all times acting within the purpose and scope of such agency and employment.

9. On or about June 9th, 2015, defendant falsely and fraudulently represented to plaintiff that a TRUSTEE SALE of the property located at 5217 Doe Ave. was to take place as a DEBT COLLECTION measure in the amount of \$311,233.19 (Three Hundred Eleven Thousand, Two Hundred Thirty Three and 19 cents Dollars), by posting said NOTICE OF TRUSTEE SALE (EXHIBIT 1).

10. The representations made by defendant were in fact false. The true facts were as shown in Exhibit 2. (EXHIBIT 2). "Other charges": said "other charges" impossibly exceed \$240,000.00 (Two Hundred Forty Thousand Dollars). By what accounting this figure was arrived at is unknown, and Plaintiff will seek leave to discover the nature of these "other charges" when more information is made available.

1 11. When the defendant made these representations , they knew them to be false, and
2 these representations were made by defendant with the intent to defraud and
3 deceive plaintiff and with the intent to induce plaintiff to vacate the premises at
4 5217 Doe Ave, Las Vegas, NV , even though Plaintiff had been and still was in
5 possession of the premises . (EXHIBIT 3 – AFFIDAVIT OF ADVERSE POSSESSION)

6
7 12. Plaintiff, by the representations were made by defendant, has suffered untold
8 amount of emotional turmoil and distress, defendant intentionally inflicting
9 emotional distress and causing Plaintiff to be constantly canvassed by Law
10 Enforcement as if Plaintiff was a common criminal “trespassing” upon the premises
11 at 5217 Doe Ave. In fact, Plaintiff is the acting owner, by adverse possession.
12 EXHIBIT 4, Declaration of Homestead.

13
14 13. As a proximate result of defendant's fraud and deceit and the facts herein alleged,
15 plaintiff was damaged in the sum of \$10,000.00 (Ten Thousand Dollars).

16
17 14. In doing the acts herein alleged, defendant acted with oppression, fraud, and malice,
18 and plaintiff is entitled to punitive damages in the sum of \$100,000.00 (One
19 Hundred Thousand Dollars).

20
21 15. Defendants exhibited what appears to be a valid document (NOTICE), and will now
22 execute a sale believing said document to be valid. In fact the NOTICE is void on its
23 face, the actions therefore constituting a trespass.

24
25 16. Plaintiff herein alleges that there has been no consent under fraud for this action
26 because said authority is invalidated by the inadmissibility of said NOTICE, as it is
27 intrinsically unsound. This document in not genuine. Under the circumstances, this
28 document appears to be a forgery.

17. Without a preliminary and permanent injunction enjoining Defendants from their unlawful acts, Plaintiff will incur an irreparable injury for which there is no adequate remedy at law.

18. Defendant QUALITY is therefore liable for FRAUD, NUISANCE, and INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS, as this malicious and injurious action has caused mental suffering and emotional distress, all to BANK's damage in the sum \$100,000.00 .

WHEREFORE, Plaintiff Steven J. Bank prays for judgment against defendant QUALITY, and each of them, as follows:

1. For general damages in the sum of \$10,000.00.
 2. For damages in the sum of \$10,000.00.
 3. For punitive damages in the sum of \$200,000.00.
 4. For costs of suit incurred herein; and
 5. For such other and further relief as the court may deem just and proper.

Dated this 8th day of July, 2015

~~Steven J. Bank
IN PRO SE
(ADDRESS AS ABOVE)~~

EXHIBIT 1

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 10/18/2007. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

A public auction sale to the highest bidder for cash, cashier's check drawn on a state or national bank, check drawn by state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings association, or savings bank and authorized to do business in this state, will be held by duly appointed trustee. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advanced under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for a total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to appear below. The amount may be greater on the day of sale.

BENEFICIARY MAY ELECT TO BID LESS THAN THE TOTAL AMOUNT DUE.

Trustor(s): **BRIAN K TRINNICH MARRIED MAN SOLE AND SEPARATE**
Recorded: **10/23/2007 as Instrument No. 20071023-0001292** of Official Records
office of the Recorder of CLARK County, Nevada;

Date of Sale: **7/9/2015 at 10:00 AM**

Place of Sale: **At the Office of the Nevada Legal News Located at 930 South 4th Street
Las Vegas, Nevada 89101**

Amount of unpaid balance and other charges: **\$311,233.19**

The purported property address is: **5217 DOE AVENUE, LAS VEGAS, NV 89146**

This property is sold as-is, lender is unable to validate the condition, defects or disclosure of the property and buyer waives the disclosure requirements under NRS 113.130 by purchasing at the sale signing the receipt of sale. The undersigned Trustee disclaims any liability for any incorrect property address or other common designation, if any, shown herein. If no street address or common designation is shown, directions to the location of the property may be obtained by written request to the beneficiary within 10 days of the date of first publication of this Notice.

further recourse.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

QUALITY MAY BE CONSIDERED A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

~~EXHIBIT~~ 2

GENERAL INFORMATION	
PARCEL NO.	163-01-615-005
OWNER AND MAILING ADDRESS	TRINNICH BRIAN K 5217 DOE AVE LAS VEGAS NV 89146-0303
LOCATION ADDRESS/CITY/UNINCORPORATED TOWN	5217 DOE AVE LAS VEGAS
ASSESSOR DESCRIPTION	CHARLESTON HGTS SUB TRACT #35A <u>PLAT BOOK 7 PAGE 46</u> LOT 6 BLOCK 1
RECORDED DOCUMENT NO.	* <u>19970424:00391</u>
RECORDED DATE	Apr 24 1997
VESTING	NS
COMMENTS	C-20071023:1291

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2014-15	2015-16
LAND	7000	10500
IMPROVEMENTS	12411	12794
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	19411	23294
TAXABLE LAND+IMP (SUBTOTAL)	55460	66554
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	19411	23294
TOTAL TAXABLE VALUE	55460	66554

EXHIBIT 3

COUNTY OF CLARK
STATE OF NEVADA

TO ALL NECESSARY PARTIES;)

GREETINGS.) NOTICE

PLEASE BE APPRISED THAT I, STEVEN J. BANK, HAVE BEEN IN LAWFUL
POSSESSION OF THE PREMISES LOCATED AT 5217 DUE AVE, LAS VEGAS, NV
89146. SEE EXHIBIT A, ATTACHED.

FURTHERMORE, I DO HEREBY DECLARE THAT THESE PREMISES WILL
CONTINUE TO BE MAINTAINED IN ACCORDANCE WITH ALL INTERNATIONAL
("INTERNATIONAL RESIDENCE CODE") AND MUNICIPAL CODES APPLICABLE.

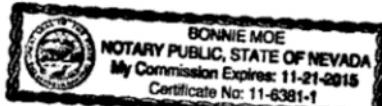
DATED THIS 3RD DAY OF JUNE, 2015.

BY: Steven J. Bank
Steven J. Bank
(cell) 702-666-4789
Email: tracfoneplan@outlook.com

State of Nevada

County of Clark

Signed and sworn (or affirmed) before me on 6-3-15 (date) by Steven J. Bain (name)
(Seal)



Bonnie Moe
(Signature of notarial officer) Title (and Rank)

1
2
3 LAS VEGAS TOWNSHIP

4 STATE OF NEVADA

5
6 **TO ALL NECESSARY PARTIES,**

7 GREETINGS;

)
8) **NOTICE OF LAWFUL**
9) **POSSESSION**
10)
11)

12 PLEASE BE APPRISED that the undersigned, in keeping with usual and
13 customary practice for lawful possession of premises with consent, implied or
14 express, does hereby declare that I am in **possession** of these premises
15 located at 5217 Doe Ave., Las Vegas, NV 89146-1424. I also hereby declare
16 that this lot and dwelling place will be kept and maintained in accordance
17 with City of Las Vegas Municipal Ordinance(s) for homes in foreclosure; Also
18 , pursuant to **ordinance number 6176 adopted 2/15/2012, Bill no.2012-4**
(International Residential Code, "IRC") (See Attachment).

19 Dated this 17th day of July, 2014.

20 
21

22 STEVEN J BANK

23
24 By: /s/Steven J. Bank
25 5308 Del Monte Ave.
26 Las Vegas, NV 89146

EXHIBIT 4

DECLARATION OF HOMESTEAD**Assessor's Parcel Number (APN):**

163-01-615-005 or

Assessor's Manufactured Home ID Number:

Recording Requested by and Mail to:

Name: Steven J. Bank

Address: 5217 Doe Ave.

City/State/Zip: Las Vegas, NV 89146-0303

Fees: \$17.00**N/C Fee: \$0.00****07/01/2015 11:11:36 AM****Receipt #: 2479748****Requestor:****STEVEN J BANK****Recorded By: HENDC Pgs: 1****DEBBIE CONWAY****CLARK COUNTY RECORDER****Check One:**

- Married (filing jointly) Married (filing individually)
 Widowed Single Person Multiple Single Persons Head of Family
 By Wife (filing for joint benefit of both) By Husband (filing for joint benefit of both)
 Other (describe): possessor of property

Check One:

- Regular Home Dwelling/Manufactured Home Condominium Unit Other

Name on Title of Property:

BRIAN K TRINNICH; STEVEN J. BANK

do individually or severally certify and declare as follows:

STEVEN J. BANK

is/are now residing on the land, premises (or manufactured home) located in the city/town of

LAS VEGAS, County of CLARK, State of Nevada, and

more particularly described as follows: (set forth legal description and commonly known street address or manufactured home description)

CHARLESTON HGTS SUB TRACT #35A PLAT BOOK 7 PAGE 46 LOT 6 BLOCK 1

5217 DOE AVE, LAS VEGAS, NV 89146

I/We claim the land and premises hereinabove described, together with the dwelling house thereon, and its appurtenances, or the described manufactured home as a Homestead.

In witness, Whereof, I/we have hereunto set my hand/our hands this 19TH day of JUNE, 2015.

Signature

STEVEN J. BANK

Print or type name here

Signature

Bonnie Moe

Print or type name here

STATE OF NEVADA, COUNTY OF CLARK This instrument was acknowledged before me on 6-23-15

(date)

Notary Seal

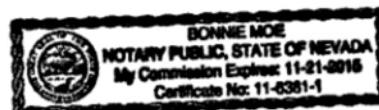
By STEVEN J. BANK

Person(s) appearing before notary

By

Person(s) appearing before notary

Signature of notarial officer

**CONSULT AN ATTORNEY IF YOU DOUBT THIS FORM FITS YOUR PURPOSE.****NOTE: Do not write in 1-inch margin. Rev.Feb 2010**

5217 Box Ave.
Las Vegas, NV 89146

To: U.S. DISTRICT COURT CLERK -Lloyd George
333 Las Vegas Blvd. S.
LAS VEGAS, NV

89101



